

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Alder Alfonso Marin

Case No.

22MJ 317

FILED
in the Middle District of
North Carolina8/16/2022
4:41 PM

Clerk, US District Court

By: dmk

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 14, 2021 in the county of Orange in the
Middle District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(5)(A), 924(a)(2)

Possession of a firearm by an illegal alien.

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Eric Nye.

☒ Continued on the attached sheet.

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.

/s/ Eric S. Nye

Complainant's signature

Special Agent Eric. S Nye

Printed name and title

Date:

8/16/2022

City and state:

Winston-Salem, NC

Judge's signature

Hon. Joi E. Peake, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF ERIC S. NYE, SPECIAL AGENT DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION**

I, Eric S. Nye, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

Introduction and Background

1. I am a "Federal Law Enforcement Officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General. As such, I am empowered to conduct investigations of, and to make arrests for, violations of federal law.

2. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since 2006. I was initially assigned to the Lawton Resident Agency of the Oklahoma City office and worked criminal investigations to include violations on Fort Sill and Indian Reservations. In 2008 I was assigned to the Safe Streets Task Force (SSTF) of the Baltimore office and investigated violent criminal enterprises and drug trafficking organizations in Baltimore City. I have been assigned to the Raleigh/Durham Safe Streets Task Force (RDSSTF) of the Charlotte office since May of 2016 conducting investigations into violent street gangs and narcotics distribution. Since 2006, I have participated in numerous investigations of criminal enterprises, violent gangs, and unlawful drug trafficking, and have conducted or participated in surveillances, the execution of search warrants, the recovery of substantial quantities of narcotics and narcotics paraphernalia, and the debriefing of informants and cooperating witnesses. I have participated in the operation and execution of over forty Federal and State Title III orders. I have received over 100 hours of specialized training in the area of illegal narcotics and violent street gangs.

3. Because this affidavit is being submitted for the limited purpose of seeking authorization for an arrest, I have not set forth each and every fact learned during the course of this investigation, nor have I necessarily set forth all facts which support the authorization sought. Nor do I request that this Court rely upon any facts not set forth herein in reviewing this affidavit in support of the Application for this complaint.

Introduction

4. This affidavit is made in support of a complaint against ALDER ALFONSO MARIN SOTE, aka ALDER ALFONSO MARIN, (hereinafter “MARIN”), charging that on July 14, 2021, MARIN committed the following federal offense: alien in possession of a firearm, in violation of 18 U.S.C. § 922(g)(5)(A) and 924(a)(2).

Traffic Stop of Alder MARIN and Recovery of Firearm

5. On July 14, 2021, the North Carolina Highway Patrol conducted a traffic stop on a gold Cadillac pick-up truck for operating with a fictitious tag in Chapel Hill, North Carolina. The trooper noticed the driver, later identified as MARIN, looking back attempting to see where the trooper was as he approached the car. The trooper, concerned about the behavior of MARIN, approached from the passenger side of the vehicle. The trooper observed MARIN, although turning to look over his left shoulder to find the trooper, had his right hand shoved down in between the center console and his seat. The trooper, having gained an element of surprise, ordered MARIN to show him his hands. MARIN, caught off guard, complied with the trooper’s commands and placed his hands on the steering wheel. He was ordered not to move as the trooper retrieved a pistol stuck between the center-console. The pistol, a Beretta model 92FS, 9mm, bearing serial number BER430318, was loaded with a round in the chamber. MARIN was detained and the trooper recovered an additional magazine and an extended magazine in glove box.

6. MARIN could not provide a driver's license, the vehicle had an inspection violation, and the registration on the vehicle was fictitious. MARIN was cited for carrying a concealed firearm.

Firearms Nexus

7. The above listed pistol, recovered on July 14, 2021, in Chapel Hill, North Carolina, is a firearm as defined in Title 18, United States Code, Section 921(a)(3). This firearm was not manufactured in the State of North Carolina, and therefore must have been shipped or transported in interstate or foreign commerce.

MARIN's Legal Status

8. Your affiant presented the U.S. Customs and Border Protection with MARIN's name and identifiers as given to the trooper on July 14, 2021 and they verified that MARIN is not legally residing in the United States. MARIN has no record of applying for a visa or passport, nor does he have any records of legal border crossings.

9. On August 16, 2022, MARIN was pulled over in the same vehicle (gold Cadillac pick-up truck). MARIN was in possession of a Mexican identification card and admitted to crossing the border into the United States illegally. MARIN was not in possession of any documentation to show lawful status in the United States. Law enforcement sent a photograph of MARIN, taken today, to the trooper who conducted the traffic stop on MARIN on July 14, 2021. The trooper positively identified the person in the photo as MARIN, the same individual he stopped on July 14, 2021.

10. Based on the above-mentioned evidence, I believe that ALDER ALFONSO MARIN SOTE, aka ALDER ALFONSO MARIN, while in the Middle District of North Carolina, possessed a firearm as an alien.

Conclusion

11. Based upon the foregoing, I respectfully submit that there is probable cause that ALDER ALFONSO MARIN SOTE, aka ALDER ALFONSO MARIN, knowingly and intentionally did possess a firearm while illegally or unlawfully residing in the United States, in violation of 18 U.S.C. § 922(g)(5)(A).

12. WHEREFORE, in consideration of the facts presented, I respectfully request that this Court issue an arrest warrant for **ALDER ALFONSO MARIN SOTE**, aka **ALDER ALFONSO MARIN**, Hispanic male, date of birth September 11, 1996.

Respectfully submitted,

/S/ Eric S. Nye

Eric S. Nye, Special Agent
Federal Bureau of Investigation
United States Department of Justice

Dated: August, 16 2022

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.



Honorable Joi Elizabeth Peake
United States Magistrate Judge
Middle District of North Carolina